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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of:
Hiroyuki Shibata, et al.
Application Serial No.: 09/760,883
Filed: January 17, 2001
For: **DISPLAY APPARATUS WITH REDUCED
NOISE EMISSION AND DRIVING METHOD FOR
THE DISPLAY APPARATUS**

**DECISION
ON PETITION**

This is a decision on the request for reconsideration of the Director's decision filed March 3, 2005, pursuant to 37 CFR § 1.181.

Petitioner states in their request for reconsideration that the original petition decision, mailed February 9, 2005, erred in the statement of facts, specifically regarding the request for withdrawal of final rejection mailed July 28, 2004. Petitioner also states that the February 9 decision erred in considering the December 28, 2004 submission as a response to the July 28, 2004 final rejection. Petitioner requests that the outstanding Office action be withdrawn and a new non-final Office action issued.

For the record, the Office erred in prematurely making the July 28, 2004 Office action a final rejection.


As stated by petitioner, the December 28, 2004 submission by applicant was merely applicants' record of an interview held between the examiner and applicants' counsel. Although the file record does not contain an interview summary, the December 28, 2004 submission will be considered a record of said interview.

The Office again erred by "withdrawing" the July 28, 2004 Office action, instead of vacating the previous action. Then, the Office mailed a new final Office action on January 28, 2005. Thus compounding the errors.

Therefore, in accordance with petitioner's request, both the July 28, 2004 and January 28, 2005 Office actions are hereby vacated.

The petition for reconsideration is **Granted**.

The file is being forwarded to the Examiner for preparation of a new non-final Office action.


Leo Boudreau, Acting Director
Technology Center 2600
Communications